

RESOLUTION NO. 2011-05-058

070

A RESOLUTION AND ORDER AUTHORIZING THE ANNEXATION OF THE SCHAUB RANCH, LLC., INTO THE WHEATLAND FIRE PROTECTION DISTRICT, AND FURTHER PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Idaho Code §31-1411, the Board of Fire Protection Commissioners for the Wheatland Fire Protection District issued an order, pursuant to Idaho Code §31-1411 and subsequent to a hearing on April 13, 2011, finding it in the best interests of the Wheatland Fire Protection District and Schaub Ranch, LLC., that the territory as described in the attached petition, including a legal description and map, be annexed to the Wheatland Fire Protection District; and

WHEREAS, pursuant to Idaho Code § 31-1411, the Board of County Commissioners has reviewed and approves said order.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

Section 1: The Nez Perce County Board of Commissioners hereby declares the territory, as described in the attached petition, annexed into the Wheatland Protection Fire District and included on the tax rolls as per the requirement of Title 31, Chapter 14, Idaho Code.

Section 2: This Resolution shall take effect and be in force from and after its passage and approval.

This Resolution is duly approved and adopted by the Board of Nez Perce County Commissioners on the 2nd day of May, 2011.

INST. NO. 791058

FILED FOR RECORD
FEE NC REC. BY NEZ PERCE COUNTY COMMISSIONERS

2011 MAY 2 PM 3 06

PATTY O. WEEKS
RECORDER, NEZ PERCE CO. ID.
BY Hatham DEPUTY

BOARD OF COUNTY COMMISSIONERS
Nez Perce County, Idaho

Mike Grow

MIKE GROW, Chairman
Nez Perce County Commissioner

Douglas A. Zenner

DOUGLAS A. ZENNER, Member
Nez Perce County Commissioner

Douglas W. Havens

DOUGLAS W. HAVENS, Member
Nez Perce County Commissioner

ATTEST:

Patty O. Weeks
PATTY O. WEEKS, Clerk
Nez Perce County, Idaho

RESOLUTION NO. 2011-05-058

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1 of 1

RECEIVED

MAY 06 2011

TECHNICAL SUPPORT

11/13



791058
RERECORD 793968
Wheatland Fire Protection District
1065 Harvest Moon Lane
Lewiston, ID 83501

RECEIVED
APR 14 2011

April 13, 2011

Nez Perce County Commissioners
Mike Grow
Doug Havens
Doug Zenner

Re: Wheatland Fire Protection District (WFPD)

Gentlemen:

Enclosed please find the following:

- 1) Petition for annexation into the Wheatland Fire Protection district (WFPD) signed by 75 percent or more of the owners of not less than 40 contiguous acres and other property adjacent to the WFPD as required by IC 31-1411.
- 2) Notice of hearing dated March 23, 2011, and published in the Lewiston Morning Tribune on March 29, 2011, pursuant to IC 31-1411.
- 3) Resolution 2011-02, dated April 13, 2011, approving Petition for Annexation.
- 4) Certified order annexing property into WFPD dated April 13, 2011.

In accordance with IC 31-1411, please enter your order of annexation and cause the same to be recorded so as to include the annexed property on the tax rolls of WFPD as provided in Title 31, Chapter 14 of the Idaho Code.

We respectfully request this matter be placed on your agenda for your action no later than April 18, 2011.

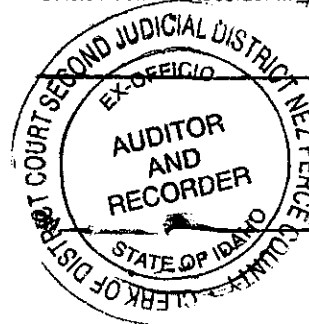
Please call me if you have any questions or need additional information (208-746-2407 or 791-8827).

Thank you.


Stephen C. Rice
Member
Board of Fire Commissioners, WFPD

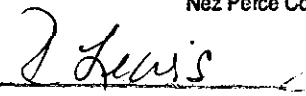
Cc: Garry Jones

STATE OF IDAHO)
COUNTY OF NEZ PERCE) ss.
I hereby certify that the foregoing instrument is a full, true and correct copy of the original on file in the office of the undersigned Clerk of the District Court and Ex-Officio Auditor & Recorder in Resolution #791058



PATTY O. WEEKS

Clerk of the District Court and
Ex-Officio Auditor & Recorder,
Nez Perce County, Idaho



Deputy 2

791058

RERECORD 793968

PETITION FOR ANNEXATION INTO THE WHEATLAND FIRE PROTECTION DISTRICT

Pursuant to Idaho Code Section 31-1411, we the undersigned holders to title or evidence of title to land within the boundaries described below desire to provide for the annexation of said property into the Wheatland Fire Protection District with the boundaries of the proposed annexation to be designated as set forth in Exhibit A.

This petition is comprised of several papers each of which shall be considered part of the same petition. A map of proposed fire protection district annexation accompanies this petition as set forth in Exhibit B.

Therefore, we the undersigned being property owners within the proposed annexation hereby petition the Wheatland Fire Protection District Board of Commissioners for annexation into the Wheatland Fire Protection District.

Schaub Ranch, LLC

Name

H. William Habbs, Jr. - member

Signature

3/21/2011

Date

H. William Habbs, Jr.

Printed Name

Member

Title

Signature

Date

RERECORD

INST. NO. 793968

FILED FOR RECORD

FEE N/C REC. BY Stephen Rice

2011 SEP 1 AM 9 07

PATTY O. WEEKS

RECORDER, NEZ PERCE CO. ID.

BY R. Lewis DEPUTYSTATE OF IDAHO
COUNTY OF NEZ PERCE 35.

I hereby certify that the foregoing instrument is a full, true and correct copy of the original on file in the office of the undersigned Clerk of the District Court and Ex-Officio Auditor & Recorder in Resolution # 793968



PATTY O. WEEKS

Clerk of the District Court and
Ex-Officio Auditor & Recorder,
Nez Perce County, Idaho

R. Lewis

Deputy

9/1/2011

EXHIBIT "A"

Township 35 North, Range 5 West of the Boise Meridian, Nez Perce County, Idaho

Section 1: The Northeast Quarter of the Northeast Quarter (Government Lot 1), the Northwest Quarter of the Northeast Quarter (Government Lot 2), the North Half of the Southeast Quarter of the Northeast Quarter, the Southwest Quarter of the Northeast Quarter, the South Half of the Southeast Quarter of the Northeast Quarter, the East Half of the Northwest Quarter of the Southeast Quarter, the Northeast Quarter of the Southeast Quarter, the East Half of the Southwest Quarter of the Southeast Quarter, the Southeast Quarter of the Southeast Quarter, the West Half of the Northwest Quarter of the Southeast Quarter and the West Half of the Southwest Quarter of the Southeast Quarter.

Section 36: Assessor Lot #1754 of West Half of the Southeast Quarter of the Southwest Quarter, EXCEPT the Southwest Quarter of the Southeast Quarter of the Southwest Quarter, Assessor Lot #2681 of the Southwest Quarter of the Northeast Quarter, the North Half of the Southeast Quarter of the Northeast Quarter, Assessor Lot #2682 of the Southeast Quarter of the Northwest Quarter, Assessor Lot #1756 of the Northeast Quarter of the Southwest Quarter, the West Half of the Northwest Quarter of the Southeast Quarter, the East Half of the Northwest Quarter of the Southeast Quarter, the South Half of the Southeast Quarter of the Northeast Quarter, the North Half of Assessor Lot #1753 of the Southwest Quarter of the Southwest Quarter, Assessor Lot #1754 of the East Half of the Southeast Quarter of the Southwest Quarter, EXCEPT the Southeast Quarter of the Southeast Quarter of the Southwest Quarter, the Northeast Quarter of the Southeast Quarter, the East Half of the Southwest Quarter of the Southeast Quarter, the West Half of the Southwest Quarter of the Southeast Quarter and the Southeast Quarter of the Southeast Quarter.

Township 35 North, Range 4 West of the Boise Meridian, Nez Perce County, Idaho

Section 6: The West Half.

Township 36 North, Range 4 West of the Boise Meridian, Nez Perce County, Idaho

Section 30: Assessor Lot #2672 of the Northeast Quarter of the Southwest Quarter, Assessor Lot #2676 of Government Lot 3, Assessor Lot #2675 of the Southeast Quarter of the Southwest Quarter, Assessor Lot #2671 of the Northwest Quarter of the Southeast Quarter, and the Southwest Quarter of the Southeast Quarter.

Section 31: The Northeast Quarter EXCEPT Assessor Lot #9836, the East Half of the Northwest Quarter, Assessor Lot #2678 of the Northwest Quarter of the Northwest Quarter (Government Lot 1), the Southwest Quarter of the Northwest Quarter (Government Lot 2), the East Half of the Southwest Quarter, the Northwest Quarter of the Southwest Quarter (Government Lot 3), the Southwest Quarter of the Southwest Quarter (Government Lot 4) and Assessor Lot #9835 of the Southeast Quarter.

Wheatland Fire Protection District
8101 Red Pheasant Boulevard
Lewiston, ID 83501

791058
RERECORD 793968

NOTICE OF HEARING
Wheatland Fire Protection District

Public notice is hereby given that a hearing on the petition for annexation into the Wheatland Fire Protection District, County of Nez Perce, Lewiston, Idaho, as required by Idaho Code § 31-1411, is set for April 13, 2010, at the hour of 5:30 p.m. at the office of Wheatland Fire Protection District, 1065 Harvest Moon Lane, Lewiston, Idaho 83501-7866. (formerly 8101 Red Pheasant Boulevard)

At the said hearing, any and all interested persons may appear and object or support such petition. Said petition requests the annexation of certain real property as described in Exhibit A attached hereto.

Dated this 23rd day of March, 2011


MARY KREMPASKY
Secretary



RECORD

793968

791058

I, Secretary of the Wheatland Fire Protection District hereby certify the foregoing to be a full, true and correct copy of the original Resolution 2011-2 as the same now appears on file and of record in the office of the Wheatland Fire Protection District.

RESOLUTION 2011-02
Wheatland Fire Protection District

WITNESS my hand and official seal this 13th day of April, 2011

Mary Krempach
Secretary

WITNESSETH:

WHEREAS, on the 21st day of March, 2011 the Board of Commissioners of the Wheatland Fire Protection District did accept a petition for the annexation of certain real property described with particularity into the Wheatland Fire Protection District, which real property is adjacent to said district and consists of more than forty (40) contiguous acres not included in any existing fire district; and

WHEREAS, the description of real property as set forth in said petition is attached hereto as Exhibit A along with a map of said real property attached as Exhibit B; and

WHEREAS, the Board of Commissioners of the Wheatland Fire Protection District has determined that more than seventy five percent (75%) of the owners or contract owners of the property sought to be annexed into the district did join in said petition; and

WHEREAS, said fire district did hold a hearing on said petition on the 13th day of April, 2011 in accordance with IC 31-1411, pursuant to duly required notice; and

WHEREAS, the Board of Commissioners of the Wheatland Fire Protection District has determined that it is in the best interests of the district that said property described herein be annexed into said district.

NOW THEREFORE;

Be it hereby resolved:

- 1) That the Board of Commissioners of the Wheatland Fire Protection District does hereby grant said petition for annexation into said district.
- 2) That more than seventy five percent (75%) of the owners or contract purchasers of said property described herein did join in said petition.
- 3) That the Board of Commissioners of the Wheatland Fire Protection District has determined that it is in the best interests of said district to annex said property described herein and that an order annexing property be issued all as set forth in I.C. 31-1411.
- 4) That this resolution be entered into the minutes of the board of commissioners of said district.

Be it further resolved that a certified copy of this resolution be submitted to the Nez Perce County Board of Commissioners and the said board of county commissioners be required to enter an order of annexation in accordance with IC 31-1411.

Adopted and passed this 13th day of April, 2011 by the Board of Commissioners of the Wheatland Fire Protection District.

S/
Dan Dorman
President, WFPD

S/
Steve Rice
Board Member, WFPD

S/
Linda Steputat
Board Member, WFPD

EXHIBIT "A"

Township 35 North, Range 5 West of the Boise Meridian, Nez Perce County, Idaho

Section 1: The Northeast Quarter of the Northeast Quarter (Government Lot 1), the Northwest Quarter of the Northeast Quarter (Government Lot 2), the North Half of the Southeast Quarter of the Northeast Quarter, the Southwest Quarter of the Northeast Quarter, the South Half of the Southeast Quarter of the Northeast Quarter, the East Half of the Northwest Quarter of the Southeast Quarter, the Northeast Quarter of the Southeast Quarter, the East Half of the Southwest Quarter of the Southeast Quarter, the Southeast Quarter of the Southeast Quarter, the West Half of the Northwest Quarter of the Southeast Quarter and the West Half of the Southwest Quarter of the Southeast Quarter.

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Township 35 North, Range 4 West of the Boise Meridian, Nez Perce County, Idaho

Section 6: The West Half.

Township 36 North, Range 4 West of the Boise Meridian, Nez Perce County, Idaho

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791058

RERECORD 793968

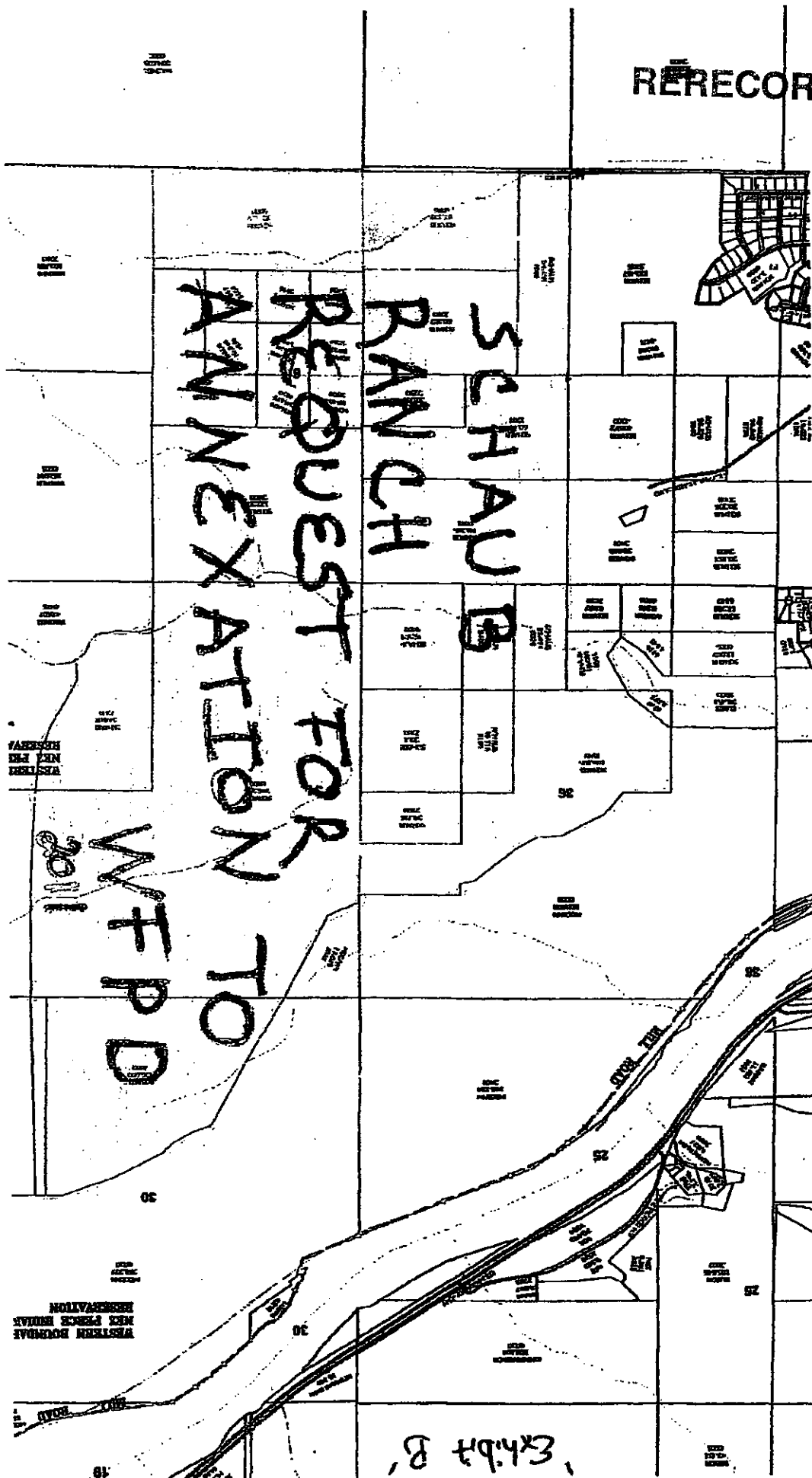


Exhibit B



Wheatland Fire Protection District

1065 Harvest Moon Lane

Lewiston, ID 83501

Secretary of the Wheatland Fire Protection District do hereby certify the foregoing to be a full, true and correct copy of the original Order of Annexation 7 as the same now appears on file and of record in the office of the Wheatland Fire Protection District.

WITNESS my hand and official seal this

13th day of April, 2011

ORDER OF ANNEXATION
Wheatland Fire Protection District

Mary Kempas
Secretary

WITNESSETH:

WHEREAS, the Wheatland Fire Protection District did hold a hearing on the 13th day of April, 2011, pursuant to IC 31-1411 and notice duly given as required; and

WHEREAS, the Board of Commissioners of the Wheatland Fire Protection District did adopt Resolution 2011-2, dated April 13, 2011, granting the annexation of certain properties described therein; and

WHEREAS, said Resolution 2011-02 is hereby incorporated as though fully set forth herein; and

WHEREAS, the Wheatland Fire Protection District does hereby find the legal description set forth in Resolution 2011-2 is not inconsistent in any manner with the legal description of the property sought to be annexed in the annexation election set for May 17, 2011, and is consistent with the intent and purpose of said election:

NOW THEREFORE;

It is hereby ordered that pursuant to IC 31-1411, described real property shall be and the same is ordered to be included within the boundaries of the Wheatland Fire Protection District, to wit;

Situate in Nez Perce County, State of Idaho to wit: See Exhibit "A" attached hereto.

Dated this 13th day of April, 2011.

S/
Dan Dorman
President, WFPD

S/
Steve Rice
Board Member, WFPD

S/
Linda Steputat
Board Member, WFPD

EXHIBIT "A"

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Correction to Instrument No. 791058

Witnesseth:

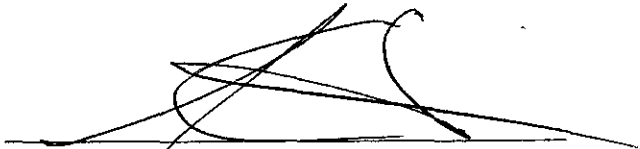
Whereas, the Nez Perce County Board of Commissioners did adopt Resolution No. 2011-05-058 on the 2nd day of May 2011 and the same was recorded in the records of Nez Perce County, Idaho as Instrument No 791058; and

Whereas, the document above named contains an incorrect legal description set forth as Exhibit A; and

Whereas, the Wheatland Fire Protection District desires to correct the above referenced Exhibit A and rerecord Instrument No. 791058 to reflect the correction to said legal description.

Now therefor, Exhibit A in Instrument No. 791058 is hereby corrected as now set forth in Exhibit A included in the copy of Resolution No. 2011-05-058 attached hereto and the same shall be recorded to reflect the correct legal description.

Done this 1st day of September, 2011.



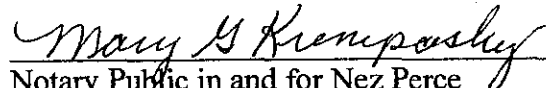
Stephen C. Rice
Wheatland Fire Protection District Commissioner

STATE OF IDAHO} ss.

County of Nez Perce}

On this day 1st of September, 2011 before me MARY G. KREMPASKY
A notary public in and for said county, personally appeared Stephen C. Rice personally known to me and known to me to be the person whose name is subscribed to the within instrument, and severally acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.


Notary Public in and for Nez Perce
County, State of Idaho, residing at
Lewiston therein.

MARY G. KREMPASKY
Notary Public
State of Idaho

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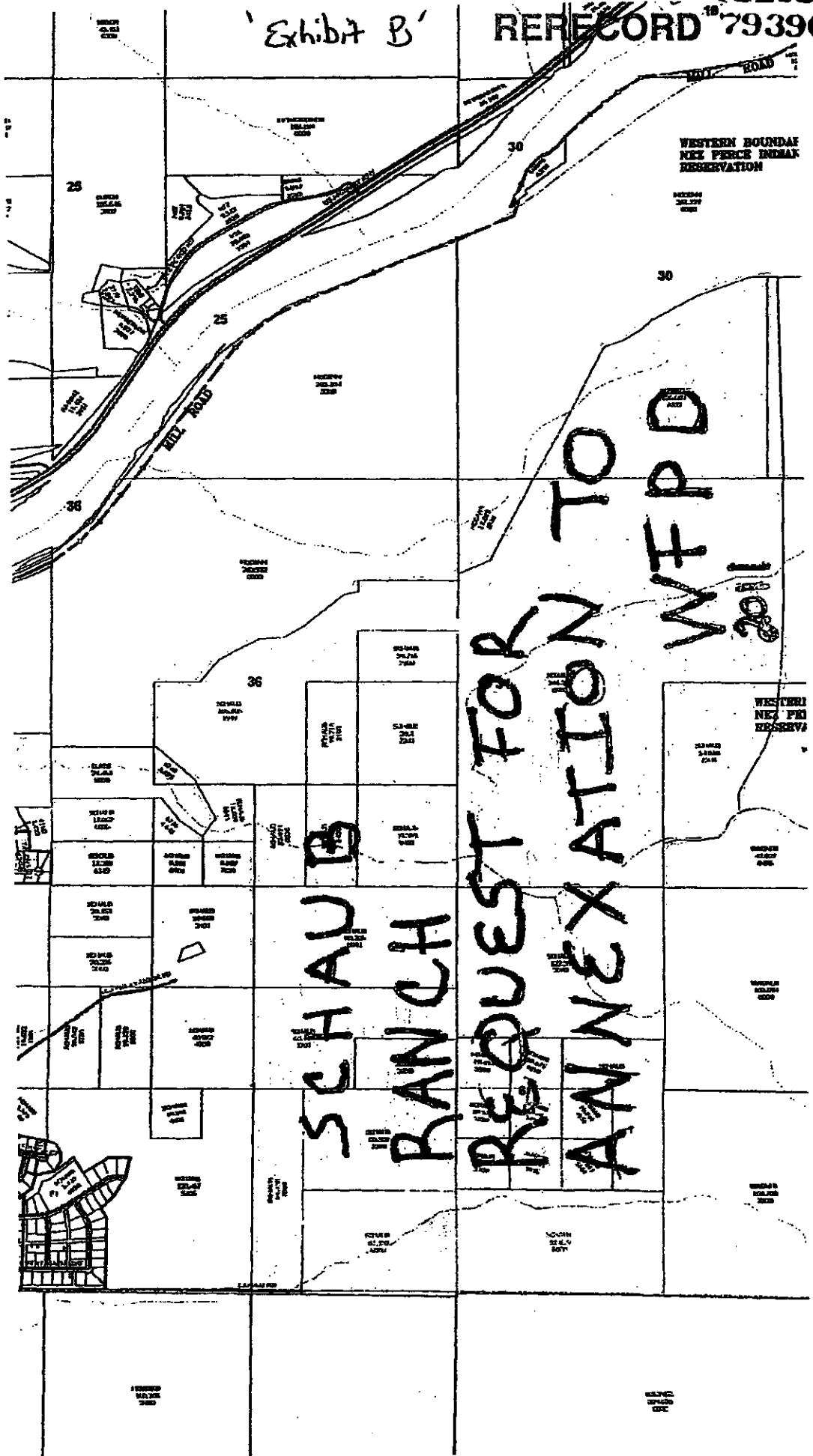
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'Exhibit B'



SCHAU B
RANCH
REQUEST FOR
ANNEXATION TO
WFPD
2011

**CORRECTED
EXHIBIT "A"****Township 35 North, Range 5 West of the Boise Meridian, Nez Perce County, Idaho**

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Township 35 North, Range 4 West of the Boise Meridian, Nez Perce County, Idaho

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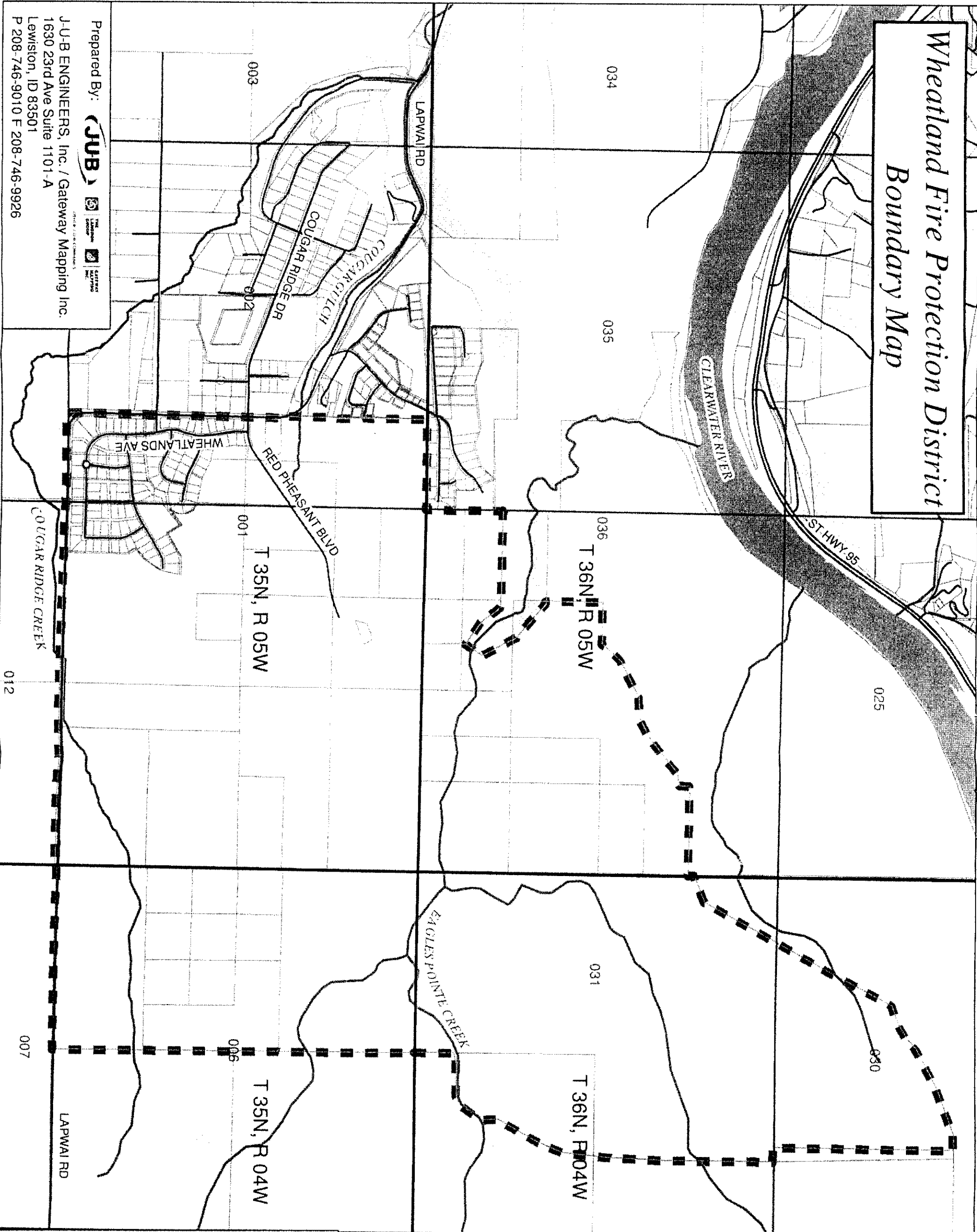
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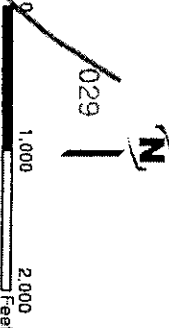
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Wheatland Fire Protection District Boundary Map

Prepared By: **JUB** THE JUB COMPANY
J-U-B ENGINEERS, Inc. / Gateway Mapping Inc.
1630 23rd Ave Suite 1101-A
Lewiston, ID 83501
P 208-746-9010 F 208-746-9926



RECORD 793968



Legend

District Boundary

Parcels

T, R Township and Range

036 Sections



Wheatland Fire Protection District
1065 Harvest Moon Lane
Lewiston, ID 83501-7866

Revision Block			Completed By
Date	Description		
June 2011	2011 Boundary	JUB/Gateway	